



U.S. Department of Justice

*United States Attorney
Western District of New York*

MLM:UAD

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Via Email and ECF

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Re: United States v. Joseph Romano
Criminal Docket No. 12-691 (JFK)

Counsel:

Pursuant to our obligations under Giglio v. United States, 405 U.S. 150 (1972), and Federal Rule of Evidence 806, the government discloses the following information regarding Anthony Basile, a declarant on a recording that the government may offer at trial. A copy of Basile's criminal history report is enclosed herein. In addition, in July 2006, Basile was convicted, following trial in United States v. Urso, et al., 03 CR 1382 (NGG), of racketeering and racketeering conspiracy, involving predicate acts of murder, marijuana trafficking and loansharking. Thereafter, Basile attended several meetings with the government, during which he admitted his participation in those crimes, as well as his participation in various crimes not charged in Urso, including, among other crimes, a murder conspiracy (of which he was acquitted at trial in 1993); the January 1992 felony murder of Carlos Pagan, an armored car driver who was killed during an attempted robbery; a conspiracy to distribute cocaine; possession of firearms and a scheme to fraudulently sell pharmaceuticals. In addition, Basile implicated members and associates of the Colombo crime family of La Cosa Nostra (the "Colombo family") in, among other crimes, the Pagan felony murder and various other murders.

On April 30, 2007, Basile pleaded guilty, pursuant to a cooperation agreement (the "First Cooperation Agreement"), to conspiring to distribute cocaine, in violation of 21 U.S.C. §§ 841 (b) (1) (B) and 846, and firearm possession, in violation of 18 U.S.C. § 924(c). In his First Cooperation Agreement, Basile also acknowledged his guilt as to the crimes of which he was convicted at trial, and waived his right to appeal his trial conviction. In April 2008, Basile breached the terms of the First Cooperation Agreement by lying at a meeting with the government. Specifically, Basile falsely denied: (1) any involvement in an arson of a New Jersey warehouse in which Basile and a partner stored boxes of pharmaceuticals; (2) any involvement in a theft of pharmaceuticals from his partner's vehicle; and (3) knowing that another individual known as "Peter Risk" was involved in a scheme to fraudulently acquire and distribute pharmaceuticals.

At a subsequent debriefing session, when confronted with independent evidence, Basile admitted that, in 2003, he and his partner agreed to make it appear as though several boxes of pharmaceuticals had been stolen from a New Jersey warehouse and to then file a fraudulent insurance claim. Basile also stated that he thereafter recruited Peter Risk, provided Risk with a key to the New Jersey warehouse, and instructed him to remove the boxes and stage a robbery or something akin to a robbery. Basile stated that, later that evening, Peter Risk paged Basile on his beeper with a code, indicating that the job had been finished, and that Basile learned shortly thereafter that the warehouse (as well as an adjoining post office) had been set afire. Basile advised that, several days later, he picked up the pharmaceutical boxes at a storage facility used by Peter Risk. On July 22, 2008, Basile entered into a superseding cooperation agreement (the "Superseding Cooperation Agreement"), and pleaded guilty to additional crimes, specifically: interstate transportation of stolen property, in violation of 18 U.S.C. § 2314, and making a false statement, in violation of 18 U.S.C. § 1001(a)(2).

Thereafter, the government determined that Basile breached the terms of the Superseding Cooperation Agreement. First, the government determined that Basile and others participated in a scheme to import marijuana and prescription drugs into the jail in which he was housed while he was cooperating with the government. Basile subsequently lied to the government about his involvement when confronted about his participation. In addition, the government determined that Basile falsely implicated one or more individuals, including Dino Calabro, in the Pagan murder in which Basile

participated.¹ Moreover, the government determined that Basile provided a false alibi for Colombo family associate Thomas McLaughlin during the time that Calabro, McLaughlin and others murdered Frank Marasa in June 1991, a murder in which Basile did not participate. In addition to those crimes, Basile implicated four individuals -- Thomas Gioeli, Calabro, Dino Saracino and Joseph Competiello² -- in various crimes, including murder. The government subsequently determined that these individuals did not participate in those crimes in the manner in which Basile had advised, although Basile did not claim to have witnessed these crimes. Instead, he had reported statements he claimed were made to him by one or more of those individuals.

The government does not concede the admissibility of the enclosed or above-referenced information, but provides it in an abundance of caution. If you have any questions, please do not hesitate to contact us.

Very truly yours,

ERIC H. HOLDER, JR.
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Enclosure

cc: Clerk of the Court (JFK) (w/o enclosures) (via ECF)

¹ Calabro was an associate of the Colombo family at the time of the Pagan murder and later became an inducted member of the Colombo family.

² Each of these individuals was associated with and was or later became members of the Colombo family.